



MONTANA STATE PRISON POLICIES AND PROCEDURES

Policy No.: MSP 3.6.1	Subject: EXECUTIONS
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Section 6: Executions	Revision Date:
Signature: /s/ Mike Mahoney	Effective Date: 2/5/01

I. POLICY: It is the policy of the Department of Corrections and Montana State Prison to ensure that death sentences are carried out in the manner prescribed by law.

II. AUTHORITY:

53-1-203, MCA	Powers and Duties of the Department of Corrections
46-19-103, MCA	Executions of Death Sentence
46-23-315, MCA	Authority of Governor to Grant Respite
DOC 3.6.1	Executions

III. DEFINITIONS:

Warden refers to the Montana State Prison Warden.

IV. PROCEDURES:

A. Death Warrant

When an execution date is set by the court for a condemned offender, a certified copy of the death warrant must be delivered to the Director of the Department of Corrections by the sentencing county pursuant to 46-19-1-3, MCA. The warrant must indicate the following: the conviction, judgement, date of execution, and duration of the warrant.

B. General Procedures

1. The execution procedural manual must address specific details in and around the execution process, including at a minimum, the following areas:
 - Pre-Execution Procedures
 - Communications
 - Execution Procedures
 - Security Zones/Crowd Control

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- Post Execution Procedures
- Searches
- Stays Commutations and other Delays
- Security Pass List
- Witnesses
- Training and Briefing
- News Media
- Post Orders

2. The execution manual is a confidential document maintained by the Warden.

C. Place and Time of Execution

1. The Warden of Montana State Prison shall provide a place in which executions will be carried out for both male and female offenders sentenced to death. This area will be enclosed from public view, be within the walls of the state prison, and shall provide all implements necessary for the execution.
2. The execution shall be performed anytime after midnight on the day set by the court.

D. Method of Execution

The punishment of death must be inflicted by administration of a continuous intravenous injection of a lethal quantity of an ultra fast acting barbituate in combination with a chemical paralytic agent, until a coroner pronounces that the offender is dead according to accepted standards of medical practice.

E. Executioner

1. The execution must be performed by a person selected by the Warden and trained to administer a lethal injection.
2. The person administering the injection need not be a physician, registered nurse or licensed practical nurse.
3. The Warden may also select an alternate executioner(s).
4. The Warden or the Warden's designee shall supervise the execution.

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5. The identity of the executioner and alternate executioner(s) shall remain confidential.

F. Witnesses to the Execution

The Warden shall ensure that the execution will be observed by no more than 12 witnesses. The following are the category and number of witnesses allowed:

1. The condemned offender may select three witnesses.
2. The news media shall be allowed three witnesses.
3. The family of the victim shall be allowed three witnesses.
4. State witnesses shall be selected by the Department Director to be part of the 12 required witnesses.

G. Postponement

A dedicated communication line shall be established between the place of execution and the Governor's office. A second dedicated communication line shall be established between the place of execution and the State Attorney General's office. The dedicated lines shall remain open until the offender is pronounced dead or until a postponement is granted by one of the following:

1. A stay granted by a court of competent jurisdiction, which must be communicated directly to the Warden by the Attorney General's office.
2. A respite granted by the Governor, which shall be communicated directly to the Warden by the Governor or the Governor's counsel.

V. CLOSING:

Questions concerning this policy shall be directed to the Department Director or Warden